

REMARKS

Claims 1-44 are pending. Claims 1-9 and 20-44 are allowed. Claims 10-19 are rejected. Applicant respectfully requests reconsideration of the Application in view of the remarks and amendments herein.

Claim Rejections – 35 U.S.C. § 102

Claims 10, 12, 14, 17, and 18 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,039,121 (“Kisman”) or U.S. Patent No. 2,319,702 (“Moon”). As amended, Claim 10 recites

a first tube disposed in a wellbore proximate a subterranean zone, at least part of the first tube comprising a production liner with apertures formed therein;

a second tube disposed in a well including the wellbore, the second tube outside of and overlapping a portion of the first tube such that an entrance of the second tube is at a lower elevation than an exit of the first tube;

a pump disposed within the second tube, the pump operable to remove the liquid within the second tube;

the first tube operable to receive a mixture comprising a gas, a liquid, and a plurality of coal fines from the subterranean zone and to release the gas up the well for production to a surface after the mixture exits the exit of the first tube; and ...

Kisman

Kisman does not describe a first tube, at least part of the first tube comprising a production liner with apertures therein, and a second tube. Kisman describes a first conduit 12, a second conduit 19, and a liner 7 with completion intervals 8 (col. 4, line 57 – col. 5, line 40). First conduit 12 is received in liner 7 rather than part of first conduit 12 comprising liner 7 (see Kisman FIG. 1). Therefore, Kisman does not anticipate claim 10. Claims 12, 14, 17, and 18 depend, directly or indirectly, from claim 10 and are not anticipated by Kisman for at least the same reasons. Accordingly Applicant requests the withdrawal of the rejections of claims 10, 12, 14, 17, and 18 as anticipated by Kisman.

Moon

Moon does not describe a first tube and a second tube as claimed by Applicant or a pump disposed within a second tube. Therefore, Moon does not anticipate claim 10. Claims 12, 14, 17, and 18 depend, directly or indirectly, from claim 10 and are not anticipated by Moon for at least the same reasons. Accordingly Applicant requests the withdrawal of the rejections of claims 10, 12, 14, 17, and 18 as anticipated by Moon.

Claim Rejections – 35 U.S.C. § 103

Claims 11, 13, 15, 16, and 19 are rejected under 35 U.S.C. § 103(a) as obvious over Kisman or Moon alone. As discussed above, neither Kisman nor Moon includes all of the features recited in claim 10 and, thus neither Kisman nor Moon alone provides the basis for a *prima facie* case of obviousness of claim 10 or any of claims 11, 13, 15, 16, and 19 which depend, directly or indirectly, from claim 10 and allowable for at least the same reasons. Accordingly, Applicant requests that the rejection of claims 11, 13, 15, 16, and 19 as obvious over Kisman or Moon alone be withdrawn.

The Examiner asserts that several features recited in these dependent claims are obvious design choices. Applicant does not address the issue of whether these features are obvious design choices as this issue is moot as the dependent claims are patentable for at least the reasons discussed above. However, Applicant does not concede that these features are obvious design choices.

Allowable Subject Matter

Applicant thanks the Examiner for the notice that claims 1-9 and 20-44 are allowed.

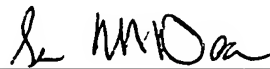
Conclusion

In view of the above, Applicant submits that the Application is in condition for allowance, and respectfully requests such a Notice. If the present Application is not allowed and/or if one or more of the objections is maintained or made final, Applicant hereby requests a telephone conference with the Examiner and further requests that the Examiner contact the undersigned attorney to schedule a telephone conference.

No fees are believed to be due. However, please apply any deficiencies or any other required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above.

Respectfully submitted,

Date: August 1, 2006


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